

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested. Claim 1 has been amended to recite that the content-related information includes information broadcast by a different broadcast station than the broadcast station which sent the broadcast signal received by said receiving means. Independent Claims 5 and 8 have been similarly amended. Basis for the amendments can be found at least in paragraph [0014] of the specification. No new matter has been added.

In the outstanding Office Action, Claims 1-5 and 8-10 were rejected as being unpatentable over Shoff (U.S. Patent No. 6,240,555) in view of Tomsen (U.S. Patent Publication No. 2002/0013950); Claims 6-7 were rejected as being unpatentable over Shoff in view of Tomsen and in further view of Hrastar (U.S. Patent Publication No. 2008/0046951).

In reply, Applicants traverse the assertion that Shoff in view of Tomsen suggest all of the limitations of Claim 1. Tomsen is relied upon (page 4) for a suggestion of the claimed setting means and control means. In particular, Claim 1 recites “setting means for setting a frequency for the broadcast signal that can be received and for recording frequency information about the frequency set, in a predetermined recording medium.” The Official Action (page 4) asserts that this feature is found in Figures 1-3 and paragraphs [0025]-[0028] and [0031] in Tomsen, where a merchant list is stored on ATVEF standard, which are television frequencies.

Tomsen is directed to a method and system to save context for deferred transaction via interactive television. A participating merchant list 153 operates as a “white” list that allows transmission of triggers from authorized merchants and filters out other triggers [0026]. Triggering, announcement, or resource information can be included and sent using the ATVEF (Advanced TeleVision Enhancement Form) standard which permits the addition

of URL addresses to be embedded in a broadcast stream, for example. However, Claim 1 requires setting a frequency for the broadcast signal that can be received and for recording frequency information about the frequency set in a predetermined recording medium. In contrast, Tomsen does not set the frequency for the broadcast signal nor recording the frequency information about the frequency set. Although Tomsen describes [0026] the ATVEF triggers being updated as the television broadcast is being received, there is no description of setting a frequency, as claimed.

In addition, although the “white list” allows transmission of triggers from authorized merchants, this is not a description of setting a frequency for a broadcast signal, as claimed. The Official Action (page 2) takes the position that the system uses the ATVEF triggers to assign frequencies to advertisers to include, insert or record information onto a broadcast stream. However, while the triggers may be used to insert merchant information, there is no description of setting a frequency of a broadcast signal to be received. Moreover, even if, *arguendo*, frequencies can be assigned, these frequencies would be for information to be inserted into a broadcast, and not for the broadcast signal, as claimed. As such, Tomsen fails to disclose the “setting means” of Claim 1.

The Office Action also asserts that Tomsen discloses the claimed control means. For clarity, the claimed control means of Claim 1 is “for causing the display means to display a list of broadcast stations corresponding to at least one frequency set, in accordance with the frequency information set by the setting means, for acquiring the content-related information disclosed by the broadcast station selected from the list, and for causing the display means to display the content-related information” (emphasis added).

The Office Action asserts that these features are described in Tomsen at paragraph [0025]-[0028] and [0031]. However, as discussed above, Tomsen does not describe a setting means that sets the frequency for the broadcast signal that can be received and for recording

the frequency information about the frequency set. Consequently, neither can Tomsen have control means that displays the list of broadcast stations corresponding to at least one frequency set, in accordance with the frequency information set by the setting means. The Official Action (page 2) asserts that embedding useable code in a broadcast stream is recording on a predetermined medium, allowing the user to view the code on activation of a trigger. Even if correct, the assertion of the Official Action does not address the language of Claim 1 because embedding code in a broadcast stream is not a description of setting a frequency for a broadcast signal.

In addition, there is no description in Tomsen for displaying a list of broadcast stations corresponding to the set frequency. Although Tomsen refers to a “merchant list” and a “white list” (paragraph [0026], there is no list of broadcast stations corresponding to the set frequency. As such, it is believed that Claim 1 patentably defines over Shoff in view of Tomsen, because the combination of Shoff in view of Tomsen does not suggest all the limitations of Claim 1.

In any event, in order to advance the prosecution of the application, Claim 1 has been amended to recite that the content-related information includes information broadcast by a different broadcast station than the broadcast station which sent the broadcast signal received by said receiving means. There is no corresponding structure in Shoff or Tomsen for this features because even if, *arguendo*, the teachings of the applied references were combined, the resultant combination would only suggest downloading information from a network for inclusion with a broadcast signal. There would be no description or suggestion of adding content-related information from a different broadcast station from the broadcast station which is transmitting the signal received by the receiving means.

For all of the above reasons, Claim 1 is believed to be allowable over the applied references. Independent Claims 5 and 8 have been similarly amended. Accordingly, the rejection of Claims 1-5 and 8-10 should be withdrawn.

Turning next to the rejection of Claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Shoff in view Tomsen and Hrastar, assuming *arguendo* that Hrastar does disclose the features relied upon in the Official Action (pages 8-10), the rejection of Claims 6 and 7 should be withdrawn because the teachings in Hrastar do not cure the deficiencies discussed above with regard to the basic combination of Tomsen and Shoff.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-10 patentably distinguishes over the applied references. The present application is therefore believed to be in condition for formal allowance and an early indication to that effect is respectfully requested.

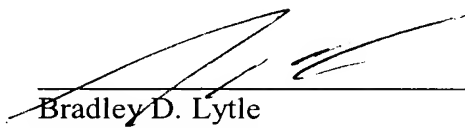
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

  
\_\_\_\_\_  
Bradley D. Lytle  
Registration No. 40,073  
Stuart S. Levy  
Registration No. 61,474  
Attorneys of Record

I:\ATTY\SSL\27S\277186US\AMENDMENT DUE 2-06-09.DOC

Scott A. McKeown  
Registration No. 42,866